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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

FINJAN LLC,

Plaintiff,

v.

PALO ALTO NETWORKS, INC.,

Defendant.

Case No. 3:14-cv-04908-RS

**JOINT STIPULATION FOR ENTRY  
OF FINAL JUDGMENT AND  
[PROPOSED] ORDER**

Hon. Richard Seeborg  
Courtroom: 3, 17th Floor

1 WHEREAS, on July 11, 2024, the Parties filed a Joint Stipulation for Entry of Final  
 2 Judgement and Order (“’154 Patent Stipulation”) providing, *inter alia*, that Finjan cannot prove  
 3 PAN’s infringement of asserted claims 1, 2 and 4 of U.S. Patent No. 8,141,154 (“’154 Patent”)  
 4 under the Court’s constructions of “content processor” and “content” and that judgment of PAN’s  
 5 non-infringement of the ’154 Patent “be entered at such time that the Court enters final judgment  
 6 in this action” (Dkt. No. 291);

7 WHEREAS, on July 11, 2024, the Court “So Ordered” the ’154 Patent Joint Stipulation  
 8 (“’154 Patent Order”) (Dkt. No. 292);

9 WHEREAS, on March 21, 2025, the Court issued an Order Granting Motion for Summary  
 10 Judgment of Non-Infringement (“Summary Judgment Order”) of U.S. Patent Nos. 8,225,408  
 11 (“’408 Patent”), 7,647,633 (“’633 Patent”), 7,418,731 (“’731 Patent”), and entered judgment in  
 12 favor of Defendant Palo Alto Networks, Inc. (“PAN”) and against Plaintiff Finjan LLC (“Finjan”;  
 13 collectively, with PAN, the “Parties”) (Dkt. Nos. 381, 383);

14 WHEREAS, at the time of the Summary Judgment Order, PAN had pending  
 15 counterclaims seeking a declaration of invalidity of the ’154 Patent, ’408 Patent, ’633 Patent, and  
 16 ’731 Patent (“PAN’s Invalidity Counterclaims”) (Dkt. No. 116);

17 WHEREAS, on April 21, 2025, Finjan filed a Notice of Appeal to the United States Court  
 18 of Appeals for the Federal Circuit (Dkt. No. 388);<sup>1</sup> and

19 WHEREAS, the Parties desire to ensure that the record is clear that final judgment has  
 20 been entered on all claims and counterclaims that were pending at the time of the Summary  
 21 Judgment Order, including PAN’s pending counterclaims, such that the Federal Circuit has  
 22 jurisdiction under 28 U.S.C. § 1295(a)(1);<sup>2</sup>

23  
 24 <sup>1</sup> See *Gilda Indus., Inc. v. United States*, 511 F.3d 1348, 1350–51 (Fed. Cir. 2008)  
 25 (“[W]here the deficiency in a notice of appeal, by reason of . . . reference to a non-appealable  
 26 order, is clear to the district court, it may disregard the purported notice of appeal and proceed  
 27 with the case, knowing that it has not been deprived of jurisdiction.”) (quoting *Ruby v. Sec’y of*  
 28 *U.S. Navy*, 365 F.2d 385, 389 (9th Cir.1966) (en banc)).

<sup>2</sup> See, e.g., *Atlas IP, LLC v. Medtronic, Inc.*, 809 F.3d 599, 605 (Fed. Cir. 2015) (“[T]he  
 district court’s order dismissing all pending counterclaims without prejudice, after fully  
 adjudicating some of the claims, is final, and we have jurisdiction here under § 1295(a)(1).”  
 (internal citations omitted)); see also *ParkerVision, Inc. v. Qualcomm Inc.*, 116 F.4th 1345, 1354  
 (Fed. Cir. 2024) (“ParkerVision timely appealed. After briefing was completed and oral argument

1 IT IS HEREBY STIPULATED AND AGREED by the Parties, subject to the approval of  
2 the Court as follows:

3 1. Pursuant to the '154 Patent Order and Summary Judgment Order, the Court has  
4 entered judgment of non-infringement in PAN's favor for the '154 Patent, '408 Patent,  
5 '633 Patent, and '731 Patent resolving Finjan's claims for infringement and PAN's counterclaims  
6 for a declaration of non-infringement of those patents.

7 2. PAN's Invalidity Counterclaims shall be dismissed without prejudice with the  
8 right to reassert them in the event that the judgment of non-infringement of any of those patents is  
9 remanded to the Court after appeal.

10 3. Finjan may file a notice of appeal in compliance with Federal Rule of Appellate  
11 procedure 4(a)(1)(A) within 30 days of entry of the order issued pursuant to this joint stipulation.

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24 was heard . . . , we determined *sua sponte* that we lacked jurisdiction over the appeal because  
25 Qualcomm's counterclaims for invalidity remained unadjudicated and, consequently, there was  
26 no final judgment . . . [W]e dismissed the appeal for lack of jurisdiction, subject to reinstatement  
27 . . . [Thereafter, t]he district court entered a new judgment, which incorporated its prior order  
28 granting Qualcomm's summary judgment of non-infringement and its prior judgment in favor of  
Qualcomm and against ParkerVision, and also expressly dismissed without prejudice  
Qualcomm's counterclaims for invalidity and any remaining claims and counterclaims in the  
case. ParkerVision appealed from the [new] final judgment. We reinstated ParkerVision's initial  
appeal . . . and consolidated it with the new appeal.").

Dated: May 15, 2025

Respectfully Submitted,

By: /s/ Juanita R. Brooks

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**ATTESTATION PURSUANT TO CIVIL L.R. 5-1(i)**

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from any other signatory to this document.

/s/ Juanita R. Brooks

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**[PROPOSED] ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Richard Seeborg  
United States Chief District Court Judge